

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
WANG et al.) Art Unit: 3737
Application No. 10/791,140) Examiner: Peter Luong
Filing Date: March 2, 2004) Confirmation No.: 3175
For: SYSTEMS AND METHODS FOR)
BIOLUMINESCENT COMPUTED)
TOMOGRAPHIC RECONSTRUCTION)

DECLARATION UNDER 37 C.F.R. § 1.131

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BALLARD SPAHR LLP
Customer No. 23859

Sir:

We, Ge Wang, Eric Hoffman, and Geoffrey McLennan, hereby declare that:

1. We are the co-inventors named in the above-identified application and co-inventors of the subject matter described and claimed therein.
2. The above identified application has been assigned to the University of Iowa Research Foundation (the "Assignee") by all of the inventors, which was recorded at Reel/Frame Number 015670/0817 on August 12, 2004.
3. Inventor Geoffrey McLennan is now deceased; therefore in accordance with 37 C.F.R. § 1.131 and MPEP 715.04(I)(D), the Assignee hereby signs this Affidavit in the place of Geoffrey McLennan.
4. Prior to July 7-10, 2002, the date that "Design of a Novel Dual-Modality Emission Micro-Imaging Tomograph for Radiopharmaceutical and Bioluminescent/Fluorescent Molecular Approaches" by Joerg Peter and Michael Bock (hereinafter "*Peter*") was presented at the 2002 IEEE International Symposium on Biomedical Imaging (July 7-10, 2002, Washington,

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D.C.), we had conceived and diligently pursued reducing to practice the invention claimed in the above-identified application in the United States or a NAFTA or WTO member country.

5. Exhibits A-C are attached as evidence of our diligence.
6. Attached as Exhibit A is a copy of an NIH proposal (Proposal 1 R21 RR018373-01) submitted to the United States Department of Health and Human Services on June 1, 2002 (pre-dating the *Peter* reference), which includes a method for reconstructing a bioluminescent source distribution within an object as claimed in the present application.
7. Attached as Exhibit B is an invention disclosure form (IDF) completed and submitted by the inventors of the present application on July 24, 2002 that includes a method for reconstructing a bioluminescent source distribution within an object as claimed in the present application.
8. Attached as Exhibit C is U.S. Provisional Patent Application serial number 60/453,177, filed March 10, 2003, (note that this provisional patent application was filed less than one year after publication of *Peter*) and to which the present application claims priority, includes figures and text describing a method for reconstructing a bioluminescent source distribution within an object as claimed in the present application.
9. We declare that all statements made herein of our own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/9/2010


Ge Wang

Date: 8/9/2010


Eric Hoffman

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Date: 8/11/10



Name

Intern Assoc. Director
Title